

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
(Continuation or CIP Application)

**As a below named inventor, I hereby declare that:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled 3' Protected Nucleotides For Enzyme Catalyzed Template-Independent Creation of Phosphodiester

Bonds \_\_\_\_\_ the specification  
of which \_\_\_\_\_.

xx is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application

Serial No. \_\_\_\_\_ and was amended

on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/300,484</u>	<u>September 1, 1994</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Jeffrey W. Guise

Kindly recognize as associate attorney:

37  
 Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; Richard J. Warburg, Reg. No. 32,327; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. P38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. P38,077; and Anthony C. Chen, Reg. No. P38,673; of LYON & LYON, 633 West Fifth Street, 47th Floor, Los Angeles, California 90071, telephone (619) 552-8400.

Address all telephone calls to Jeffrey W. Guise at telephone no. (619) 552-8400.

Address all correspondence to 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

1-00  
 Full name of sole or first inventor Andrew C. Hiatt

Inventor's signature Andrew C. Hiatt Date 6/6/95

Residence San Diego, California CA

Citizenship United States of America

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2-00  
 Full name of second inventor Floyd Rose

Inventor's signature Floyd Rose Date 6-6-95

Residence Del Mar, California CA

Citizenship United States of America

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Applicant or Patentee: Andrew C. Hiatt, et al.  
Serial or Patent No.: Not Yet Assigned  
Filed or Issued: June , 1995  
For: 3' PROTECTED NUCLEOTIDES FOR ENZYME CATALYZED TEMPLATE-  
INDEPENDENT CREATION OF PHOSPHODIESTER BONDS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R.1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

       the owner of the small business concern identified below:  
  X   an official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN: Rose-Hiatt Biotechnology Partnership  
ADDRESS OF CONCERN: 8445 Camino Santa Fe, Suite 102  
San Diego, California 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention described in

  X   the specification filed herewith  
       application serial number \_\_\_\_\_, filed \_\_\_\_\_  
       Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

NAME  
ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ INDIVIDUAL \_\_\_\_ SMALL BUSINESS CONCERN \_\_\_\_ NONPROFIT ORGANIZATION

NAME  
ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ INDIVIDUAL \_\_\_\_ SMALL BUSINESS CONCERN \_\_\_\_ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Andrew C. Hiatt

TITLE OF PERSON OTHER THAN OWNER:

Partner

ADDRESS OF PERSON SIGNING:

8445 Camino Santa Fe, Suite 102  
San Diego, California, 92121

Signature

Andrew C. Hiatt

Date

6/6/95